

03217.002000

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
: Examiner: To be assigned
ZAFER TERMANINI)
: Group Art Unit: To be assigned
Application No.: To be assigned)
: Filed: To Be Filed)
: For: INTEGRATED ORTHOPEDIC)
BANDAGE SYSTEM AND METHOD :
FOR USING THE SAME) April 16, 2004

MAIL STOP PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
BY HAND: Park 5, 3D15

PETITION FOR RETROACTIVE FOREIGN
FILING LICENSE UNDER 37 C.F.R. §5.25

The PTO did not receive the following
listed item(s) check for \$132.

Sir:

The undersigned, Pasquale A. Razzano, Attorney for Applicant, hereby petitions under 37 C.F.R. §5.25 for a retroactive foreign filing license for the enclosed materials, which are a copy of a Korean Patent Application and a translation thereof on which the above identified U.S. application is based. The U.S. application was filed April 16, 2004 and has not yet been assigned a Serial No.

1. The unlicensed patent application material was filed only in Korea (South).
2. The Korean application was filed on February 13, 2004 as application No. 2004-9721.

3. (i) The subject matter in question was not under a secrecy order at the time the

Korean application was filed and is not currently under a secrecy order.

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(ii) The inventor was not aware of the requirement for a foreign filing license at the time of filing. On or about April 1, 2004 the inventor contacted undersigned counsel about filing a U.S. application based on the Korean filing and was advised of the need to obtain a foreign filing license. Subsequently, undersigned counsel was engaged by the inventor's assignee to file the U.S. application and obtain the required license.

(iii) The inventor, sometime prior to February 2004 disclosed the invention, in the United States, to Korean nationals who reside in the United States. An agreement was reached by which the invention was to be assigned to a corporation owned by the Korean nationals. Unaware of the requirement for a foreign filing license, they had their Korean agent file an application in Korea in the name of the Assignee, Beta Holdings Ltd. The agent was unaware of the need for a foreign filing license. Thus, the filing in Korea was made in error and without deceptive intent.

In accordance with M.P.E.P. §1002.02(c)(1), this petition is being filed with the Director of Technology Center 3640.

The fee for filing this Petition is believed to be \$130. Accordingly, a check in that amount is attached. However, the Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 06-1205.

Upon issuance or denial of a foreign filing/export license, it is respectfully requested that a copy of the license or notification of the denial of this Petition be forwarded via facsimile as follows:

PASQUALE A. RAZZANO
Fitzpatrick, Cella, Harper & Scinto
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

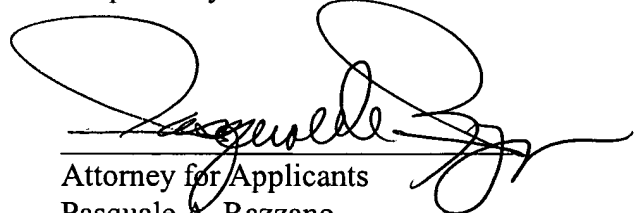
Upon issuance of a foreign filing/export license, it is also respectfully requested that the original license be forwarded to the below-listed address.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below-listed address.

DECLARATION

I, PASQUALE A. RAZZANO, Attorney for Applicant, declare that all statements made herein of my own knowledge are true; that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



Attorney for Applicants
Pasquale A. Razzano
Registration No. 25,512

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"Express Mail" mailing number EV 264377435 US

Date of Deposit 04 / 16 / 04

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to:

Commissioner of Patents
P.O. Box 1460
Alexandria, VA 22313-1460

GREGORY FRIPP
(Typed or printed name of person mailing paper or fee)


(Signature of person mailing paper or fee)